

103D CONGRESS
1ST SESSION

H. R. 339

To amend title 11 of the United States Code with respect to avoiding certain liens that impair exempt property.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mr. SARPALIUS introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 11 of the United States Code with respect to avoiding certain liens that impair exempt property.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Secured Credit Avail-
5 ability Amendments of 1993”.

6 **SEC. 2. AMENDMENTS.**

7 Section 522 of title 11, United States Code, is
8 amended—

9 (1) in subsection (f) by inserting “and except as
10 provided in subsection (n)” after “exemptions”, and

1 (2) by adding at the end the following:

2 “(n) The debtor may not avoid the fixing of a lien
3 on an interest of the debtor in property to the extent that
4 such lien impairs an exemption to which the debtor would
5 have been entitled under subsection (b)(2), if—

6 “(A) such lien is a nonpossessory, nonpurchase-
7 money security interest in any tools of the trade, im-
8 plements, animals, or crops; and

9 “(B) the State law referred to in such sub-
10 section prohibits the debtor from avoiding the fixing
11 of such lien to such extent.”.

12 **SEC. 3. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.**

13 (a) EFFECTIVE DATE.—Except as provided in sub-
14 section (b), the amendments made by section 2 shall take
15 effect on the date of the enactment of this Act.

16 (b) APPLICATION OF AMENDMENTS.—The amend-
17 ments made by section 2 shall not apply with respect to
18 cases commenced under title 11 of the United States Code
19 before the date of the enactment of this Act.

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